

U.S. Application No. 09/009,327  
AMENDMENT UNDER 37 C.F.R. §1.116

AND SUBMISSION OF DRAWING AMENDMENTS

ATTORNEY DOCKET NO.: 3881.012

spontaneous disconnection, and compatibly provided by the cavity of the bottom surface.

REMARKS

Applicant respectfully requests review and reconsideration of the Office Action of April 11, 2000, in view of the above amendments to the specification and claims.

Further, the present claims have been amended to clearly focus on the distinguishing features of the present invention - the reutilization of a plurality of modular containers by coupling the plurality of modular containers through frictional engaging pressure to create a variety of structures, wherein the containers may be coupled along the lateral walls and at the top and bottom of the modular containers. Also, the top wall, of the preferred embodiment of the containers, has a neck with an annular cord that engages an annular groove within the bottom that works as a retentive rim to prevent de-coupling of the top and bottom of the modular containers that are coupled to create the structural groups. Support for the amendment to Claim 1 may be found on page 5, lines 1-4, and page 14, lines 17-20. Support for Claim 33 and the amendment thereof, can be found on page 11 at lines 16-20 and page 4, lines 2-3, and 13. Support for the amendment to Claim 34 can be found on page 13, line 19, page 12, line 22, and page 13, line 12. Support for the amendment to Claim 35 can be found on page 14 at lines 4-6. Support for the amendment to Claim 36 can be found on page 5, lines 1-4, and page 14 at lines 5, 13, 14, 18, 19 and 24.

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Furthermore, these amendments were required so to conform the language of the claims with the language of the specification. The present attorney of record represents the second U.S. firm to handle this matter. The application provided by the client did not conform to the application on file with the patent office. The present attorney ordered a certified copy of the application on file and made the necessary corrections to the specification and the claims.

Amendments to Figures 1A, 4A, 5A, and 7A are indicated with red markings; formal drawings will be submitted upon allowance of the application.

Now turning to the Office Action in greater detail, the paragraphing of the Examiner is adopted.

#### Paragraphs 1 & 2

The Examiner objected to the amendment filed on January 27, 2000, as introducing new matter into the disclosure. Specifically, the Examiner states that the added material setting forth "a ring cord (7) and a groove ring memory (7')" preventing the container from rotating at the cover, is new.

In response, the Applicant attempted to hold a telephonic interview with the Examiner. During the early part of the interview, it was discovered that Applicant's attorney did not have a copy of the application as filed. A certified copy of the application was obtained from the Patent Office.

Further, Applicant has canceled the new matter and has amended the specification accordingly. The correct terms are as follows: the annular cord (7) and annular groove (7').

According to the disclosure, at page 14, lines 17-20, the preferred embodiment of the bottle has an annular cord projecting from the periphery of the container and finished in an annular

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tooth, (see figure 1). Also, the bottom wall (3) has a female connection in the form of a cavity (4') that has the size and format compatible with the shoulders; further included is a central depression that is computable with the neck (5). It is reasonable to conclude that if the preferred embodiment has an annular cord at the top, then it would have an annular groove at the bottom. Therefore, in accordance with the disclosure, we amend figures 1A, 4A 5A and 7A to conform to the disclosure and the claims.

The amended drawings do not include new matter and are supported by the design of the neck in figure 1A. Further, the amendment to the drawings would conform with the elected species of figures 1-12A.

The rejection under 35 U.S.C. §132 is moot in light of the cancellation of the new matter.

### Paragraphs 3

The Examiner rejected Claims 1-3, 7-12, 15-22, and 24 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the invention.

In response, Applicant has amended Claims 1 and 33-36 that they are readable on the elected species of figures 1-12A. Further, the amended claims distinctly claim the subject matter of the invention, that the containers are reusable modular containers that can be coupled together, and further have a neck with an annular cord that engages an annular groove within the bottom that works as a retentive rim to prevent de-coupling of the top and bottom of the modular containers that are coupled.

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Reconsideration of the Section 112 rejection is respectfully requested.

Paragraph 4

The Examiner states that Applicant's arguments of January 27, 2000, in response to the rejection of the claims under 35 U.S.C. §102(b) as being clearly anticipated by Troy.

Applicant traverses this rejection.

The amendments to Claims 1 and 33-36 make the claims readable on the elected species. Applicant has amended Claim 1, to include the neck with an annular cord that engages an annular groove of the bottom of a corresponding bottle, wherein when the bottles are coupled top to bottom, the cord and groove, when interconnected, work as a retentive rim to prevent spontaneous de-coupling of the top and bottom of the modular containers when connected. The annular cord is shown in figure 1. The annular cord is disclosed as part of the preferred embodiment. Therefore, in order for the invention to be operable, the bottom has to have an annular groove for the top to bottom coupling of the container. Troy does not teach the use of an annular cord coupling with a compatible annular groove to prevent decoupling and act as a retentive rim.

Withdrawal of the rejection is respectfully requested.

The amendments to the specification and the required amendments to the claims should now place the application in condition for allowance. Early indication of allowability is respectfully requested. Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

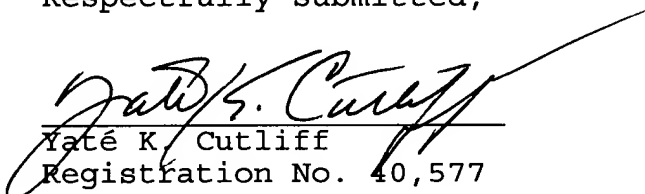
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Early issuance of the Notice of Allowance is respectfully requested.



Respectfully submitted,

  
Yaté K. Cutliff  
Registration No. 40,577

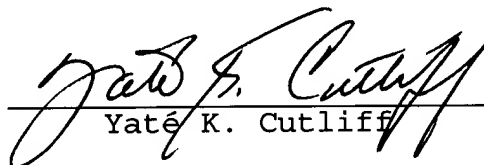
PENDORF & CUTLIFF  
Post Office Box 20445  
Tampa, Florida 33622-0445  
(813) 886-6085

Date: October 11, 2000

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that a copy of the foregoing AMENDMENT UNDER 37 C.F.R. §1.116 AND SUBMISSION OF DRAWING AMENDMENTS and a stamped, receipt postcard for U.S. Application No. 09/009,327 filed January 20, 1998, was deposited in first class U.S. mail, postage prepaid, addressed: Attn: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 11th day of October, 2000.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
Yaté K. Cutliff